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10 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

11
12 RICKEY CALHOUN,

13 Plaintiff,

14 v.

15 DR. HENRY RICHARDS *et al.*,

16 Defendants.
17

CASE NO. C08-5101RBL/JRC

ORDER

18 This 42 U.S.C. § 1983 action has been referred to the undersigned Magistrate Judge
19 pursuant to 28 U.S.C. §§ 636 (b) (1) (A) and 636 (b) (1) (B) and Local Magistrates Judges' Rules
20 MJR 1, MJR 3, and MJR 4.
21

22 Two motions are ripe for consideration and before the court. These motions are
23 plaintiff's motion to compel discovery, (Dkt. # 153), and defendant's motion asking for leave to
24 file a response one day late (Dkt. # 159).

25 Counsel for defendants was one day late in filing a response because of an injury and
26 pain medication he was taking. Counsel confused cases and did not make a timely response.

1 The response is filed, and, a reply has been received, (Dkt. # 164). The court will consider the
2 documents. The motion is GRANTED.

3 The motion to compel discovery is GRANTED IN PART AND DENIED in part. On
4 May 5, 2009, the court entered an order regarding discovery. Discovery was “strictly limited to
5 the relevant issues in this case.” (Dkt. # 128, page 4). The only issue remaining in this case is
6 plaintiff’s allegation that he was retaliated against for filing a legal action and complaints.
7

8 Plaintiff’s request for productions of documents asks for numerous reports and
9 documents unrelated to the remaining issue. Plaintiff submits argument on eight of the twenty-
10 five requests for production (Dkt. # 153). The court will consider these eight requests.

11 Request for Production number 1 asks for:

12 [I]nspection, reading, perusal, and/or copying of the SCC personnel files of the
13 following Defendants: Steven Galbraith, Durmont Anderson, and David
14 O’Connor. Including, but not limited to; promotions, demotions, complaints, any
15 SCC? DSHS investigations, findings, sanctions, reasons for administrative leaves,
16 reasons for termination or resignation, and any other documents relating to their
17 employment history at SCC.”

18 (Dkt. # 153, page 7).

19 This request is not limited to incidents involving the plaintiff and his claim of retaliation
20 or harassment. The request is beyond the scope of discovery that this court permitted. For those
21 reasons, the request to compel is DENIED.

22 Request for Production number 3 asks for inspection and copying of “complete copy of
23 all the findings from the Inspection of Care Committee (IOCC) in 2006, 2007, and 2008. The
24 request to compel this item is DENIED. The request is beyond the scope of discovery that is
25 allowed in this case.
26

1 Request for Production number 4 asks for inspection and copying of “a list of all
2 residents the IOCC representatives interviewed.” The request to compel this item is DENIED.
3 The request is beyond the scope of discovery that is allowed in this case.

4 Request for Production number 5 asks for “inspection and copying a complete copy of all
5 Incident Reports and BMR’s written by RRC Staff that responded to the incident on Elm Unit
6 involving a resident assaulting a RRC on 12-26-06.” A “BMR” is a Behavioral Management
7 Report. Plaintiff argues that one of the defendants wrote a BMR for something plaintiff did not
8 do. He alleges this BMR was part of the 12-26-06 incident. The court GRANTS this request in
9 part. Plaintiff should receive only the BMR in which he is mentioned. Information not related to
10 plaintiff’s actions may be redacted.
11

12 Request for Production number 7 asks for complete copies of the personnel files for
13 defendants Steven Galbraith, Randy Pecheos, David O’Connor, and Susan O’Leary. The request
14 is not for the SCC personnel file, but, for the files from a former employer, the Department of
15 Corrections. The request is beyond the scope of discovery that is allowed in this case. The
16 request to compel this item is DENIED.
17

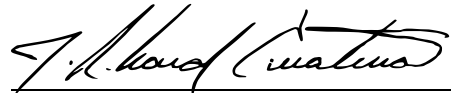
18 Request for Production number 10 asks for copies of letters and communications plaintiff
19 sent to the Deputy Secretary of the Department of Social Health Services and Blake Chard,
20 allegedly regarding retaliation/harassment by Defendants. This request appears to be intended to
21 seek information relevant to the issues in this case. The request is GRANTED
22

23 Request for Production number 12 asks for copies of “all racial discrimination complaints
24 by SCC African American Staff against the DSHS/SCC in the last 7 years.” The request is
25 beyond the scope of discovery that is allowed in this case. The request to compel this item is
26 DENIED.

1 Request for Production number 23 asks for copies of "all E-Mails, and other relevant
2 electronic communications for the last 12 months for Dr. Henry Richards, Jim Anderson, David
3 O'Connor, Durmont Anderson, Randy Pecheos, Walter Weinberg, Byron Eagle, Becky Denny,
4 and Jim Fowler. The request is beyond the scope of discovery that is allowed in this case.
5 The request to compel this item is DENIED.
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7 The Clerk's Office is directed to send plaintiff a copy of this order and remove (Dkt.
8 #153, and 159) from the Court's calendar.

9 Dated this 28th day of August, 2009.

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12 J. Richard Creatura
13 United States Magistrate Judge
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